EXPLANATORY MEMORANDUM TO

THE MEASURING INSTRUMENT (EEC REQUIREMENTS) (FEES) (AMENDMENT) REGULATIONS 2012

2012 No. 751

1. This explanatory memorandum has been prepared by the National Measurement Office (NMO), an Executive Agency of the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 The instrument introduces revised hourly rates for fees relating to the approval of manufacturer's quality systems and the issuing of certificates of conformity and design or type examination certificates. A certificate of conformity is issued following a unit verification of a weighing or measuring instrument under the Non-Automatic Weighing Instruments Directive or the Measuring Instruments Directive. A type examination certificate is issued for a weighing or measuring instrument that complies with the requirements of the Non-Automatic Weighing Instruments Directive or the Measuring Instruments Directive.

The instrument would also allow the National Measurement Office to claim reasonable travel costs incurred by its auditors in providing the service.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The instrument amends the law with a view to ensuring the National Measurement Office recovers full costs as required under Her Majesty's Treasury's guidance entitled 'Managing Public Money' and rationalising the recovery of UK travel costs incurred by National Measurement Office auditors. This instrument is made with the consent of Her Majesty's Treasury.

5. Territorial Extent and Application

5.1 This instrument applies to the United Kingdom

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- ***What is being done and why***

7.1 The instrument allows for an increase in the hourly rate for work carried out by the National Measurement Office who is entitles to make full recovery of its costs.

This Instrument will also allow the National Measurement Office to claim travelling costs reasonably incurred by its auditors in the provision of the relevant service.

- ***Consolidation***

7.2 The amendments to the 2004 Regulations made by this instrument are minor in nature and of relevance to only one sector of the market. The 2004 Regulations will be consolidated when the next substantive amendment is proposed.

8. Consultation outcome

8.1 Not required. Consultation has not taken place as the changes for this instrument have a negligible effect on business.

9. Guidance

9.1 No guidance has been produced by the National Measurement Office to accompany the amendments as the changes will not impose any new burdens on business.

10. Impact

10.1 The impact on business will be negligible and there will be no impact on charities or voluntary bodies. The changes relate to the increase of four hourly rates by £5. The new hourly rates better reflects the costs which are incurred in the provision of each service. The changes relating to travel costs for auditing activities will mean that the National Measurement Office can now reclaim costs incurred in this respect.

10.2 There will be no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument and the basis for calculating the variable fee (full cost recovery) remains unchanged.

11. Regulating small business

11.1 The legislation applies to small business, but the changes proposed will have a positive impact as described above.

12. Monitoring & review

12.1 The effectiveness of the legislative change will be reviewed after 1 year. Any changes to fee rates or charging arrangements will be made as appropriate.

13. Contact

Paul Dixon at the National Measurement Office Tel: 020 8943 7282 or email: paul.dixon@nmo.gov.uk can answer any queries regarding the instrument.